

REMARKS

The Examiner has required Applicant to restrict this application one of the following inventions:

- I. Claims 5-11, 12-15, 21-27 and 28-34, drawn to light emitting device, classified in Class 313, subclass 506; or,
- II. Claims 1-4 and 16-20, drawn to method of making LED, classified in Class 438, subclass 35.

Our patent Examiner has also required us to elect one of the following single disclosed species of the invention:

- Group 1a. Claims 5-11 and 33-34, having P-type DBP and buffer layer;
Group 1b. Claims 12-15, having LT-Gan/HT-Gan buffer layer & P-Al/Gan/Gan DBR;
Group 1c. Claims 21-27, having a buffer layer and a N-type DBR; or
Group 1d. Claims 28-32, having LT-Gan/HT-Gan buffer layer and n-type DBR.

Applicant hereby selects Invention I, and further elects Group 1a, set forth in claims 5-11 and 33-34, having P-type DBP and buffer layer. Applicant reserves the right to submit any Divisional patent applications directed toward the non-selected invention and/or non-elected species.

Application No. 10/693,863

An early action on the merits of this application is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:


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